

Message Text

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17
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAJ-01

ACDA-07 IO-13 /080 W
----- 097166

R 021942Z SEP 76
FM AMEMBASSY BONN
TO SECSTATE WASHDC 1551
INFO USMISSION USBERLIN
USMISSION NATO BRUSSELS
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY MOSCOW

C O N F I D E N T I A L BONN 14756

E.O. 11652: GDS
TAGS: PGOV, PFOR, PBOR, GE, GW
SUBJECT: FRG-GDR BORDER COMMISSION

REFS: (A) BONN A-228; (B) BONN 01114

1. THE FRANKFURTER ALLGEMEINE (AUGUST 31, 1976, FBIS
DWO 10836Y) HAS SEEN A COPY OF A DRAFT "BORDER
TREATY" WHICH THE GDR HAS PROPOSED TO THE FRG TO CONCLUDE
THE WORK OF THE JOINT BORDER COMMISSION.

2. THE DRAFT TREATY REPORTEDLY CONSISTS OF A PREAMBLE
AND FIFTEEN ARTICLES. MAIN POINTS INCLUDE PREAMBLE
WHICH STRESSES "THE INVIOABILITY OF THE BORDERS, THE
RESPECT FOR TERRITORIAL INTEGRITY, AND THE SOVEREIGNTY
OF THE STATES" WITH THE TO-BE-EXPECTED REFERENCE TO THE
FINAL ACT OF CSCE. ARTICLE 1 DEFINES THE BORDER
BETWEEN THE FRG AND THE GDR AS BEING THE LINE DELINEATED
BY THE BORDER COMMISSION. ACCORDING TO ARTICLE 3, "THE
BORDER DELIMITS FROM EACH OTHER THE SOVEREIGN TERRITORIES
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OF THE TWO TREATY STATES ON THE SURFACE OF THE EARTH AS

WELL AS VERTICALLY IN THEIR AIR SPACE AND IN THE TERRESTRIAL INTERIOR." IN ARTICLE 4, IN THE VIEW OF THE FA, THE FRG WOULD BE ACCEPTING THE GDR POSITION ON THE CONTROVERSIAL ELBE QUESTION NOTED IN REF B.

3. IN OUR VIEW, THE GDR MOTIVATION IN PROPOSING THIS BORDER TREATY IS CLEARLY TWO FOLD. FIRST, THEY ARE PRESSING THEIR VIEW THAT THE LEGITIMATE FRG-GDR BOUNDARY IS THE LINE DEFINED BY THE BORDER COMMISSION AND IS NOT THE LINE DEVELOPED DURING THE ALLIED OCCUPATION PERIOD AND A PART OF THE OVERALL ALLIED RESERVED RESPONSIBILITY FOR GERMANY AS A WHOLE. SECOND, THEY ARE PRESSING THEIR VIEW THAT THE BORDER IS A LEGALLY NORMAL FRONTIER BETWEEN TWO EQUAL AND SOVEREIGN STATES.

4. FRG BONN GROUP REP (HENZE) HAS TOLD US THAT THE FA STORY IS ESSENTIALLY CORRECT AND THAT HE WILL PROVIDE US A COPY OF THE GDR DRAFT TREATY. HE ADDED THAT THE DRAFT TREATY IS, OF COURSE, "TOTALLY UNACCEPTABLE TO THE FRG." IN A RADIO INTERVIEW ON SEPTEMBER 1, FRG GOVERNMENT PRESS SPOKESMAN BOELLING ALSO CONFIRMED THAT THE GDR HAD HANDED OVER A DRAFT TREATY AS DESCRIBED BY FA BUT STATED THAT THE DRAFT WAS NOT ACCEPTABLE TO THE FRG EITHER IN FORM OR IN CONTENT. BOELLING SAID THAT A STATE TREATY ON THE BORDER QUESTION WAS OUT OF THE QUESTION. HE ALSO SAID THAT THE NEGOTIATIONS GOING ON IN THE BORDER COMMISSION WERE NOT EVEN RIPE FOR CONCLUSION.

5. WORK OF THE BORDER COMMISSION HAS NOT ATTRACTED MUCH ATTENTION SINCE CDU BUNDESTAG MEMBER MERTES SOUGHT IN JANUARY TO EMBARRASS THE GOVERNMENT BY CALLING UPON IT TO ASSURE THAT THE WORK OF THE BORDER COMMISSION RECEIVED QUADRIPARTITE APPROVAL (REF B). AN EDITORIAL ACCOMPANYING THE FA ARTICLE REFERRED TO ABOVE WAS REMINISCENT OF THE JANUARY MERTES STATEMENT, IN THAT IT BLAMED THE GOVERNMENT FOR HAVING PERMITTED THE WORK OF THE BORDER COMMISSION TO PROCEED TO THE PRESENT STAGE. REVELATION OF THE FACT THAT THE GDR IS NOW PROPOSING A FORMAL TREATY ON THE BORDER COULD
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PROVE EMBARRASSING TO THE GOVERNMENT, WHICH IS ALREADY UNDER ATTACK IN THE ELECTION CAMPAIGN FOR ALLEGED FAILURES OF OSTPOLITIK.
HILLENBRAND

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, SOVEREIGNTY, BOUNDARY DETERMINATION, COMMITTEES, BORDER INCIDENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 02 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976BONN14756
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760334-0597
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760999/aaaadgrl.tel
Line Count: 111
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 BONN A-228, 76 BONN 1114
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 05 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 APR 2004 by BoyleJA>; APPROVED <10 AUG 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FRG-GDR BORDER COMMISSION
TAGS: PGOV, PFOR, PBOR, GC, GE
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006